

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 487 of 2019**

Shankar Lal Gupta, S/o. Shri Dwarika Prasad Gupta, Aged About 49 Years, R/o. Ramayan Chowk, Chantidih, Bilaspur, Police Station Sarkanda, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Sarkanda, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajeev Shrivastava, Advocate with Mr. Sunil Verma, Advocate
For Respondent	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/04/2019**

1. Apprehending arrest in connection with Crime No.478/2018, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for offence punishable under Section 408 of the Indian Penal Code, the applicant has preferred this second application for grant of anticipatory bail. The first bail application for grant of anticipatory bail has been rejected on merits vide order dated 11.09.2018 in M.Cr.C.(A) No.871/2018.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The facts that were not brought to the notice of this Court in the earlier application are these that while working as agent of the complainant, the applicant came to know that complainant was involved in Hawala racket, therefore, he has served a notice on the complainant through counsel and also filed

complaint to the Superintendent of Police and Enforcement Department. Copy of which has been attached as Annexure A-4 and A-5. The applicant is not responsible for any defalcation, which is confirmed from the copy of the diary, which is attached as Annexure A/6. As the applicant is the sole witness in the commission of offence in money laundering, therefore, he should be protected from apprehension of arrest. FIR i.e. lodged by the complainant is belated by two years. This FIR has been lodged to implicate this applicant for the reasons that he had raised question on the source of money to be paid for jaggery and mahuwa worth Rs.615.00 Crores. Hence, it is prayed that taking into consideration these additional facts connected with the case against this applicant, he may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the averments made on behalf of the applicant is an after thought and has been created after lodging of FIR against him, therefore, no case is made out for grant of anticipatory bail.
4. In reply, it is submitted by the counsel for the applicant that the applicant has been made victim for the reason that he is witness of money laundering case, therefore, he should be given protection.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Earlier bail application has been decided on merits considering the facts that are against the applicant in the case registered against him. The facts and circumstances that have been raised in this application are additional and whatever the connection may be is

required to be proved by the applicant in his defence. Further the submission made by the State counsel is also relevant because all the notices and complaints referred to by the applicant are of January, 2019. The FIR lodged against the applicant is of earlier date, therefore, after due consideration, I do not find any merit or change in circumstances to reconsider the bail application again.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram